IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.3880 OF 2006

Mr.Tejkumar Mathuraprasad Dikshit ..Applicant

Vs.

M/s.Shrirang Agrochem Pvt.Ltd.
& Ors. ..Respondents

...

Mr.Jayesh Suresh Sapra counsel for Applicant
Mr.R.R.Tiwari counsel for Respondent Nos.1 to 3
Smt.V.R.Bhosale, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : MARCH 5, 2007

P.C.

1. Heard the learned counsel for the applicant-original complainant, the learned counsel for the respondent nos.1 to 3-original accused and the learned A.P.P. for the State.

2. By the impugned judgment and order dated 19.9.2006 the respondent nos.1 to 3-original accused came to be acquitted under Section 138 of Negotiable Instruments Act, by the learned Metropolitan Magistrate, 6th Court, Mazgaon, Mumbai

in Case No. 218/SS/2005. Being aggrieved by the said judgment and order, this leave to file appeal against the acquittal, has been preferred by the applicant-complainant.

3. The learned counsel for both the parties have stated that the parties have decided to settle the matter amicably for an amount of Rs.55,000/-. The learned counsel for the respondent nos.1 to 3 on instructions from the respondent no.2 who is present before the Court, has stated that an amount of Rs.30,000/- will be given in cash today to the applicant and the balance amount of Rs.25,000/- will be given to the applicant by cash/Demand Draft within a period of three months from today. In view of this statement, the learned counsel for the applicant states that he does not wish to pursue this application. However, liberty is sought by him to revive the appeal in case the respondent fails to pay the amount of Rs.30,000/- today or remaining amount within three months.

5. In view of the above, this application is disposed of. However, in case there is failure on the part of the respondent nos. 1 to 3 to pay the

amount of Rs.30,000/- and/or balance amount of Rs.25,000/- within a period of three months, this appeal shall stand revived.

6. The learned counsel for the respondent nos.1 to 3 states that on the amount of Rs.55,000/- being received by the applicant he shall hand over four original cheques to the respondent nos.1 to 3.

7. Application is disposed of.

[V.K.Tahilramani, J.]